


PATENT

Attorney Docket No. PRMG-04578

(c) isolating said mutant *Thermotoga neapolitana* DNA polymerase from said host cell.

REMARKS

In response to the Office Action mailed March 25, 2003, Applicants elect the claims in Group 1 (Claims 22-30, 40 and 44), with traverse. The present claims are copied from U.S. Patent No. 5,939,301, ("301") in order to preserve the right to provoke an interference proceeding with the patentees of the '301 patent. The claims from both Groups 1 and 2 were issued in the '301 patent. The Examiner has the discretion to waive the current restriction. In the present case, this discretion is called for. Separation of the claims into two applications as a result of the Restriction will result in the need to proceed with two separate interference proceedings. This is not economical for either party or the Patent Office, as the same issues will arise in both proceedings. Furthermore, the prior art in these cases is well understood (having been assessed in both the '301 patent prosecution and in the parent applications of the present application, which have been in prosecution since 1995)--with the same prior art applying to both Groups of claims. In view of the above, Applicants request that the restriction be withdrawn.

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